XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ·M.A.No...4..... **सन्** 2005

(15)

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	APPELLANT: CLAIMENT	Chaman Lal @ Munna Yadav, S/o Neelkanth Yadav, aged about 12 yrs Appellant is represented by legal guardian father Neelkanth Yadav, R/o Village and post Lakholi Post Office Mandir Hasod Teh. and District Raipur
		Versus
	RESPONDENTS:	1. Dinesh Kumar S/o Ramesh Chandra Agrawal R/o Dinesh Provision Store Charoda, Bhilai, District Durg (C.G.) 2. Chunni Lal S/o Ramawatar Agrawal R/o National High Way Road No.6, Bajarpara Bhilai, P.S. Bhilai, District Durg (C.G.) 3. United India Insurance Company Limited, Through: Divisional Manager, the United India Insurance Company Ltd., Katchari Chowk, Jail Road, Raipur (C.G.)
	Present:- Shri S.C. Verma, counsel for the appellant. Shri Dashrath Gupta, counsel for the respondent No.3.	

P.T.O.

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(16)

मामला क्रमांक ...M.A.4/..... **सन्** 2005

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

ORAL ORDER

(Passed on 20-3-2007)

The appellant has preferred this appeal under Section 173 of the M.V. Act, 1988 being dissatisfied with the award passed by the 5th Additional Motor Accidents Claims Tribunal, Raipur in claim case No.95/2003.

The claimant's appeal is that the award passed by the Tribunal is bad, illegal, inappropriate and against the well settled principles of law. The Tribunal ought to have appreciated the loss incurred by the appellant. Learned Tribunal awarded Rs.12,000/- towards compensation against injury sustained by Chamanlal. Rs.935/- has been awarded towards medical expenses. Rs.7,000/- has been awarded towards pain and suffering. Rs.2,000/- has been awarded for the attendant and Rs.60/- has been awarded for the loss of earning; thereby total award of Rs.21,995/- has been passed in favour of the appellant/claimant. The appellant/ claimant at the time of the accident was aged about 11 years. He has not adduced any evidence that he was earning at that time. He remained only for two days in the hospital. No evidence has been adduced to show that on account of injuries sustained by the claimant any permanent disability has been occurred to him.

P.T.O.

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(17)

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

In the circumstances, amount of Rs.12,000/- awarded against injury is sufficient. Similarly, Rs.7,000/- for the pain and suffering, Rs.2,000/- for the attendant and remaining medical expenses have already been awarded, therefore, I am of the considered opinion that compensation amount awarded in favour of the appellant is just and reasonable.

In the last para of the judgment, on account of typographical mistake total amount of Rs.21,995 has been typed out as Rs.24,995. In fact, respondent No.3 is required to pay only Rs.21,995/- and interest thereon as per the impugned award.

This appeal is devoid of merit, same is liable to be dismissed and it is hereby dismissed.

Sd/-
L.C. Bhadoo
Judge

Barve

P.T.O.